

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 13
)	
JOHN KOFI BUAHIN,)	CASE NO. 09-65355 - MHM
)	
Debtor.)	

)	
ADAM GOODMAN, Chapter 13)	
Trustee,)	
)	CONTESTED MATTER
v.)	
)	
NIKKI BONNER and)	
LESHON STEWART,)	

ORDER REGARDING LESHON STEWART

Hearing was held July 6, 2010, and continued to October 22, 2010, on *Chapter 13 Trustee's Motion for Order to Show Cause Against Nikki G. Bonner and Lashon (sic) Stewart* (Doc. No. 43). Appearing at the hearings were the Chapter 13 Trustee, attorney for the Chapter 13 Trustee, attorney for the U.S. Trustee, Nikki Bonner, and Leshon Stewart. The parties were allowed to file post-hearing briefs.

The U.S. Trustee and the Chapter 13 Trustee have requested that Leshon Stewart be enjoined from acting as a bankruptcy petition preparer and that she be fined for each violation of 11 U.S.C. §110 and that she pay damages under §110(i). At the hearing held October 22, 2011, and in her post-hearing written response, Leshon Stewart represents that she did not charge Debtor a fee for the documents she prepared for him, but that he voluntarily paid her \$300, which she accepted. Therefore, Leshon Stewart appears to

argue that because she did not “charge” a Debtor a fee, she is not subject to the requirements or sanctions of §110.

Section 110 defines “bankruptcy petition preparer” as “a person, other than an attorney for the debtor or an employee of such attorney under the direct supervision of such attorney, who prepares for compensation a document for filing[.]” The facts adduced at the October 22, 2010 hearing show that Leshon Stewart was not acting as an employee of Nikki Bonner or any other attorney at the time she completed documents for Debtor to commence this bankruptcy case. Leshon Stewart’s acceptance of a “voluntary” payment by Debtor of \$300 does not relieve her of the requirement of compliance with 11 U.S.C. §110. Even assuming that Debtor’s payment of \$300 was voluntary, it was certainly compensation for the service Leshon Stewart provided to Debtor. Leshon Stewart’s testimony on this issue, however, is unconvincing and simply not credible.

The record and the evidence presented at the hearings shows that Leshon Stewart violated §110(b)(2)(A), (b)(2)(B), (c)(2)(A) and (h)(2). The record and evidence also show that Leshon Stewart completed other documents for Debtor, including a Chapter 13 plan and a motion for reconsideration, without disclosing they were prepared by her. Leshon Stewart is, therefore, subject to the sanctions provided for in 11 U.S.C. §110(i) and (l). As Leshon Stewart has been enjoined from acting as a bankruptcy petition preparer in connection with another case,¹ no further injunction in this case is necessary. Accordingly, it is hereby

¹ Order entered April 29, 2011, in Adversary Proceedings No. 10-6063 and 10-6064.


ORDERED that, within 14 days of the date of entry of this order, **Leshon Stewart** shall *pay*

- Under 11 U.S.C. §110(i)(1)(B), to Debtor \$2,000;
- Under 11 U.S.C. §110(i)(2), to the Chapter 13 Trustee \$1,000
- Under 11 U.S.C. §110(l)(1) and (l)(2)(D), to the U.S. Trustee \$6,000.

Judgments will be entered in accordance with this order.

The Clerk is directed to serve a copy of this order upon Debtor, Debtor's attorney, Leshon Stewart, the Chapter 13 Trustee and the U.S. Trustee.

IT IS SO ORDERED, this the 26th day of September, 2011.



MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE